

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

081790540

10

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/790,540	01/30/97	HUSE	W P-IX-2405

023601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO CA 92122

HM12/0814

EXAMINER	
GAMBEL, P	
ART UNIT	PAPER NUMBER
1644	25

DATE MAILED:

08/14/00

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

a) is extended to run _____ or continues to run _____ from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed _____ has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. **The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:**

- a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. They raise new issues that would require further consideration and/or search. (See Note).
- c. They raise the issue of new matter. (See Note).
- d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. **Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.**

3. **Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:**

PHILIP GAMBEL

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1718, 26-31

PHILIP GAMBEL 8/8/00

GROUP 1600

TECH CENTER 1600

However;

Applicant's response has overcome the following rejection(s): 112 2nd / 102(b) PUBLIC USE/SALE

4. **The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because OF THE REJECTIONS OF RECORD. 102 (b) / 103 MAINTAINED. IN CONTRAST TO APPLICANT'S ASSERTIONS INCLUDING 132 DEC, EVIDENCE OF RECORD INCLUDING U.S. PATENT NO. 5753230**

5. **The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented, which encompass humanized IgM609 antibody, specifically sick now replacement on pages 14, 15, 16 of computer model 6/ (HUMANIZING ANTIBODIES OF INTEREST**

The proposed drawing correction has has not been approved by the examiner.

Other 112 1st new matter maintained for the rejection of record